

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

- v. -

GABRIEL VALDEZ,

Defendant.

**ORDER**

23 Cr. 204 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

In its October 23, 2024 sentencing submission, the Government states that it has “re-evaluated the evidence with respect to [Co-Defendant Elijah] Pough’s March 16, 2021 attempted murder, and has now determined that it is properly considered attempted second-degree murder rather than attempted first-degree murder.” (Govt. Br. (Dkt. No. 274) at 9) By **5:00 p.m. on October 29, 2024**, the Government will make a submission explaining the basis for this determination.

Dated: New York, New York  
October 28, 2024

SO ORDERED.



Paul G. Gardephe  
United States District Judge